

June 27, 2011

Vic and Emily Betterly
45595 Superior Rd.
Houghton, MI 49931

Michigan Senate

COMMITTEE ON NATURAL RESOURCES, ENVIRONMENT AND GREAT LAKES

Dear Honorable Committee Members, Chair and committee clerk,

I regret my absence at the 8:00 am, Tuesday June 28th meeting of the Committee on Natural Resources, Environment and Great Lakes. I attended the meeting on June 23rd, but with the 1,000 mile round trip it was not feasible financially to make the trip again so soon.

We have some very serious concerns regarding Bill 4746 and would like this statement submitted to the committee and on record as OPPOSED to bill 4746.

We urge you to take time to listen to the opposing arguments as we were not represented the initial and most crucial stage of developing this bill. Our representation was not for lack of interest, but for lack of communication. Plans, development and notification were hidden from anyone opposing this bill for the joint Senate and House committee meeting June 16th which introduced the bill. We were aware of secret meetings being planned and held between Representative Huuki and members of the VVQ company but not of this bill introduction. Our neighbor and fellow supporter attempted to attend the first meeting, Sally Santeford, but was met with screaming, threats and finally a police escort to leave. Attachment #1 has names of some of the attendees to this meeting on a memo to the township, including Representative Matt Hukki. Attachment #2 has names of another meeting between same parties. VVQ is scaring local businesses into thinking that they are also going to be "targeted" is not morally right.

Attachment # 3 shows other local gravel and sand quarries in which workers many find employment and the demand of the community and surrounding areas can be met. Sworn statements in Houghton Circuit court also verify the abundant availability of gravel within Portage and adjacent townships.

Attachment #4 is the sworn statement of 6 local gravel pit owners, testifying that as of March 2011 the cost of gravel has not increased to the significance indicated in supporting statements.

I've attached a powerpoint slide to show other discredits to statements given about the Valley View Quarry by various supporters. Attachment #5. The first two show the development of the quarry clearly happened in the last 6 years. There was no quarry there prior to 2006. Other slides show the proximity to housing, the distance between the original pit in Dodgeville.

Please don't base your vote on this bill that was introduced secretly and without fair representation. Clearly this is the attempt by one company who is now pulling all strings for their personal gain. They created an illegal operation, which was determined in the Michigan Circuit Court and now do not want to close as per the court order.

This is not and never was a personal vendetta against VVQ. It doesn't matter who is behind our house operating an illegal gravel and mining pit. This is however, our opposition to our former township supervisor, Bill Bingham, for lying, covering up facts and creating this immense difficulty we are all facing. We didn't move into our house with a mining operation in our backyard, Mr. Bingham hid the facts from both sides and we didn't have a voice in any of this matter. There was no due process.

We hope that Senator Casperson will keep his word from Thursday 23rd that he intends to table the vote on this bill and introduce an amended version with our help in wording. He stated this to four of us, Vic Betterly, Sally Santeford, Kevin Grzelack and Carol Little in his office.

We agree with the questions Steve Pence has submitted below as to the nature of this bill.

Statement from Steve Pence:

What needs to be asked is what is wrong with local control of zoning? We, twice proved VVQ is not a victim, but gambled and lost by engaging in behind the scenes manipulation and subterfuge. Secondly, why does gravel get a preference afforded no other industry? The Betterlys, who long ago bought a home in a residential neighborhood, already had their taxes cut in half because this new, illegally started, quarry devalued their home. So, it can hardly be said the economics are one sided.

Further we proved there is no Houghton area shortage of aggregates from those who are in compliance with Michigan and local laws. Thus, there are also no job losses, because if an illegal operation remains closed, employment gains will be achieved at legal sites.

By copy of this note to Marty Fittante of the Senator's office, I am asking him, "what is the timetable, and is this still a rush, and, if it is, Why? "

This bill needs debate, not a mad dash, designed to defeat a fair understanding of an important land use question.

S

Steven L. Pence
Pence & Numinen, PC
105 Meeske Ave.
Marquette, MI 49855
P: 906-226-2580
F: 906-226-2248
www.pencenuminen.com

Thank you for listening to us.
Sincerely,
Vic Betterly
Emily Betterly

April 25, 2011

Subject: Concerned Business Owners of Portage Township

Dear Business Owner:

Whether or not you are aware of details surrounding the Valley View Quarry case, the impact of Portage Township's actions can have a similar effect on your business. There are certainly dozens of businesses operating within the township that are similarly situated in assuming that "permission" or being "grandfathered in" is how any potential zoning violation would be resolved.

This is not the case. Because of the relentless pursuit of a few residents and township trustees, Valley View Quarry was ordered to cease and desist operations. Township Supervisor Bruce Petersen admits that it only took talking with 4 or 5 people located within one half mile of the quarry to cause him to take action. Making the point, he said, in zoned areas people come to have certain expectations of zoning, and that once concerns are raised, he as a supervisor has the responsibility of investigating and enforcing the zoning ordinance. And further that it is his intention to enforce the zoning ordinance, and that the new zoning administrator has "been primed already that our zoning will be enforced." As he certainly should...

However, as business owners, considerations are made every day for long-term and short-term impacts of decisions that are made. Things such as return on investment and effects on customers and the local community are considered very carefully. If Portage Township is "primed" to strictly enforce zoning there will be no choice in the matter when it comes to ordering an existing but "illegal" business to cease and desist as was the case with Valley View Quarry. This means countless jobs and hardships will be forced on our community by a short-sighted or blind enforcement of ordinances that likely will result in nothing positive for our township. Again, there is no guaranteed harbor in being grandfathered in and no safety in any sort of permission granted unless it was done letter for letter, by the book.

In order to protect our commercial community and the families that are supported, a group of concerned business owners will be holding a meeting at the Holiday Inn Express conference room in Houghton on Thursday April 28th at 3:00 pm. Please join the group for an informal discussion on how best we can protect all our interests while preserving the good that zoning ordinances can provide. Together we can work towards progress while alone we may suffer the same fate as Valley View Quarry.

Sincerely yours,

Concerned Business Owners of Portage Township

Concerned Business Owners and Tax Payers of Portage Township

April 28, 2011

Charter Township of Portage Board
47240 Green Acres Rd
Houghton, MI 49931

Board of Portage Township:

We are concerned with the direction Portage Township is heading and how our tax dollars are being spent. Rather than spending tens of thousands of dollars enforcing an ordinance that absolutely must be reviewed and updated for compatibility with the stated goals of the Townships general development plan, we submit these requests.

- 1) At the upcoming Township Board meeting the following requests be placed on the agenda for a vote:
- 2) The Township immediately declares an Emergency Moratorium on all zoning enforcement against existing commercial enterprises in the Township to prevent waste of tax payer dollars and hardship on businesses defending their land use, and
- 3) The Township immediately seeks and engages a qualified third party zoning expert to perform an audit of the current zoning ordinance and land uses to ensure compatibility with the Township's goals. And following this, procedurally enacts an updated ordinance reflective of recommendations for change approved by the whole of the Township.

In order to realize that motto of *Progress our Goal*, we respectfully submit the above requests and pray the Township takes positive action for the betterment of our community.

Sincerely,

Undersigned Concerned Business Owners and tax Payers of Portage Township

<p>Walt Kullner 44724 US 41 Chassell MI 49916</p>	<p>STEVE BLANKOWSKI ALSO 47140 MAIN HOUGHTON MI 49931</p>
<p>Andy Kemper Green Acres Rd 46891 Green Acres Houghton</p>	<p>19256 Copper Ridge Copperridge rd. Houghton, MI 49931</p>
<p>Mike Walmsley 19390 Wakata Heights Calverley Houghton</p>	<p>Carl Olson All Seasons Construction PO Box 501 Chassell, MI</p>
<p>47153 MICHAEL T MANDRIZZO SNOW MOBILE CLUB RD. M9. Smaragd 49905</p>	<p>Naomi Leukuma 44732 US 41 Chassell, MI 49916</p>
<p>46760 Grant Simula ABE Supply Sales & Service Main St. Dodgeville, MI</p>	<p>CAL NIEMELA 20191 BOUNDARY RD. CHASSELL, MI 49916</p>
<p>PO. BOX 14 Houghton JONATHAN D JULIEN LIT Construction, Julien Properties FTY, R.F.C. 1805 West Sharon Ave.</p>	<p>Kurt D. Dofc</p>
<p>Peter A. Kinnunen Cont Inc Peter A. Kinnunen PO BOX 141 ATLANTIC 49905</p>	<p>Quitem Tolksdorf Gretchen Tolksdorf</p>
<p>21810 Tony LAUX Dorton Rd. Chassell</p>	<p>Glen D. Tolksdorf</p>
<p>Donna Laux 47150 M26 Atlantic Mine MI 49905</p>	<p>Ed M. M... 17857 Tapula Rd Chassell, MI 49916</p>
<p>Jack Laux 47150 M26 Atlantic Mine</p>	<p>Chris Bonan</p>
<p>Ben Champion 473 46736 Pily'm 6602 Houghton MI</p>	<p>BOB GRASSESCHE 18940 CANAL RD. HOUGHTON</p>
<p>ROB WITTING 45020 US Hwy 41 CHASSELL MI 49916</p>	<p>PETE WICKLEY 44980 US Hwy 41 CHASSELL</p>
<p>Ken Dillingen 47948 McCallum ST HOUGHTON</p>	<p>BALN Poynter 45302 US 41 CHASSELL</p>

Stephen KARVAKKO 18020 LAKE AVE Charrell ME 49916	Tim Palosari Dist. 5 Commissioner
David Mattila Mattila Pg Box 43 Rockport Plymouth ME 49906	Bill Bingham 47083 Green Acres Houghton
STEVEN R LINNUNEN 15980 NIEMI RD. ATLANTIC MINE ME 49905	
Matt & Janell Huuki Matt's Auto Glass, Inc. 47170 Hwy. M-26 Atlantic Mine ME 49905	
LINDSAY NETTELL Logging 47301 JANUSKY RD. ATLANTIC MINE ME 49905	
Dean Latendresse Erickson Feed Houghton ME main St. Houghton 49931	
Laurel J. Julia, LLC Lawrenceville ME 47712 Main St. Houghton ME 49931	
Mark Kemppainen 47346 Stratton Ave Atlantic Mine ME 49905	
Dan Huuki - Keweenaw Overhead Door 19865 Sharon Ave Houghton ME 49931	
19687 FRUE ST HOUGHTON Frank Beauchamp	
Joe Chas PO Box 115 Atlantic Mine	
Frank Beauchamp	
Judy M. Doyle Keweenaw Self Storage PO Box 159 Houghton ME 49931	

June 2, 2011

Planning Commission of Portage Township
Portage Township Zoning Administrator
47240 Green Acres Rd
Houghton, MI 49931

Planning Commission and Zoning Administrator:

The 2008 Michigan Planning and Enabling Act requires municipalities to conduct a review of a jurisdictions master/general development plan. The last such review of Portage Township general development plan was performed in 1975, with zoning enacted in 1983 and amended in 2002. Ostensibly the zoning plan was created with guidance from the general development plan. We believe this to not be the case. We believe our zoning plan is outdated and our master plan is outdated and we hereby make the following request of the Planning Commission as allowed by the MPEA of 2008:

- 1) Undertake a thorough review of the general development plan as required by the MPEA of 2008. This review should be done in consultation with Planning Experts. For this request we ask a meeting be held in the month of June at a time and date to be determined by the Commission.

Further, because of known zoning violations that if enforced would result in great hardship to Portage Township business owners and families in all zoning districts we hereby request of the Zoning Administrator and the Planning Commission the following:

- 2) Amend the township zoning ordinance to allow for a "special use variance" allowable in all districts to effectively deal with historic zoning/use violations. For this request we also ask that a meeting of the Planning Commission be held in the month of June at a time and date to be determined by the Commission.

By amending the zoning ordinance Portage Township could deal with known violations effectively and without the need for lawyers and the inherently large expense that comes with them. This would also give the Township some flexibility in dealing with new potential uses that were not contemplated at the time of the last zoning ordinance amendment. A common sense approach could give discretion to the Township to truly do what is in the best interest of the township and its tax payers.

Sincerely,

Undersigned Concerned Business Owners and Tax Payers of Portage Township, and those that do business in Portage Township.

Mark Kyspar	Don D. Salt
Bill Benghan	Gutten Tolksdorf
Don Johnson	Janell R. Hunk
Don Johnson	Rep. Matt L.
Steve W. Roberts	Chapman
M.A. Mumpul	Mike
Michael Walms	Wendy B. Moe
Larry Jarvis	David S. Fink
Naomi Leukman	Don Matt
Jack Laurel	John
Andy Melt	Sunday News
Peter Kinnaman	Eric Mue

[illegible]

<u>Name</u>	<u>Location</u>	<u>Approximate distance from VVQ</u>
Mattila Rock and Dock	Hancock MI	5 miles
Mohawk and Gravel Inc.	Mohawk MI	25 miles
Pebbles	Hancock MI	12 miles
Superior Sand and Block	Houghton MI	8 miles